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LETTERS OF ZENO,
ADDRESSED TO THE
CITIZENS OF EDINBURGH,
O N
Parliamentary Representation;

And, particularly, on

The imperfect REPRESENTATION for the CITY
of EDINBURGH, and the other BURGHS
of SCOTLAND.

A New EDITION, with considerable Enlargements,
By the AUTHOR.

*Nihil est praeclarius civi quam Rempublicam servitute liberare,
Populoque Romano priores consuetudines restituere!—Imitemur
nostros Brutos!—Patria, Posteritati que serviamus! CICERO.*

EDINBURGH:

PUBLISHED and DISTRIBUTED *gratis* by the
COMMITTEE OF CITIZENS.

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ADVERTISEMENT.

THE LETTERS of ZENO having attracted the public notice, and met, universally, with a very favourable reception, the Author has been encouraged to submit these Letters again, with considerable enlargements, to the candid perusal of an impartial Public. Though the conjuncture which gave rise to these Letters be now passed, yet as the system, of which they complain, still remains unaltered, the facts and the reasoning they hold out, demand equally the public attention *now*, as at the period of their first publication *.

To obviate some objections that have been stated to the extension of the right of suffrage, the Author has added a *second* series of Letters on the same subject with the first;—and he flatters himself, that this *second* series will also be deemed not unworthy of public notice.

ALTHOUGH the Letters in this collection are addressed directly to the *Citizens of Edinburgh*, the subject of which they treat is equally applicable
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* The Letters of Zeno were originally published in the Edinburgh Newspapers, and have since passed through several Editions.

and interesting to every *other Burgeſs* of Scotland. When Edinburgh, therefore, is mentioned, let the Author be underſtood as ſpeaking of *all* the Burghs of Scotland. He holds out Edinburgh only as an *example*; and the ſame arguments which ſtrike againſt the eſtabliſhment of Edinburgh, ſtrike with equal, if not ſuperior force, againſt the eſtabliſhments of the other Burghs.

THAT the Representatives in Parliament for the *whole* Burghs of Scotland *, ſhould be elected by an handful of men, independent of the Burgeſſies, is an abſurdity the moſt palpable. By ſuch a ſyſtem, the Burghs have only the mere *ſhow* of a Parliamentary representation, devoid of the *reality*.—To correct this ſyſtem, and introduce a more enlarged mode of election, by which the Burgeſſies may enjoy an adequate and ſubſtantial representation in the Legislative Body of the realm, are objects ſurely of national concern, and intereſting in their conſequences to us all. Every good citizen muſt earneſtly wiſh, that the men deputed to repreſent us in the national Aſſembly, were diſtinguiſhed for ability, integrity, and true patriotiſm. If we are, then, to expect Representatives poſſeſſing theſe qualities, the *right of ſuffrage* muſt not be confined to *juntos*, who make a traffic of the election, and diſpoſe of it perhaps to the higheſt offerer, but communicated to the collective body of the PEOPLE; that is, to a claſs of Electors, whoſe number precludes almoſt the *poſſibility* of corruption †, and whoſe eyes will naturally be caſt on Gentlemen, poſſeſſed of

* Though the Representatives for the Scottish Burghs are only *ſiſteen* in number, - yet, let it be remembered, that that number is very nigh equal to *four* times the number of Representatives for the city of London

† Vide Letter V. of the following Collection.

of characters established in their neighbourhood, and raised by independency of spirit and of fortune to a dignity, which must bear them superior to *servility* and *prostitution*. In England, the commissioners for counties are chosen in this manner; and it is universally allowed, that *these* Representatives form, in every Parliament, a worthy and respected phalanx, which has often done great national service, by giving check, both to the deliriums of the multitude, and to the encroachments of the Crown.

In the following Letters, the *capacity* of the PEOPLE to choose proper Representatives has been all along taken for granted; and indeed, this is a proposition so very obvious, that, it is believed, few or none will venture to call it into question.—“ No wise man
 “ (says Machiavel) will doubt the judgement of the
 “ PEOPLE in the distribution of offices and honours, and such particular affairs; for, in these
 “ things, they are almost *infallible*.—The PEOPLE
 “ (says the great Montesquieu) are extremely well
 “ qualified for choosing those whom they are to
 “ trust with a part of their power. They have only
 “ to be determined by things which they cannot be
 “ strangers to, and by facts that are obvious to
 “ sense.—Though most citizens, therefore, are not
 “ capable of the Administration themselves, yet are
 “ they fully qualified to choose the Administrators.”

AUTHORITIES to the same purpose might be produced from almost every other political writer; but what need is there for authorities to support a proposition, of the truth of which every person must be convinced from his own experience. We must all agree, that the PEOPLE are never biassed by sordid or selfish views—that they always intend to do what is right, and what may be productive of advantage to the community. In forming their judgements of

eminent characters in their neighbourhood, they are guided by the uniform conduct and actions of the individuals, and consequently are seldom mistaken. In the election, therefore, of a Magistrate, or Representative, they will naturally fix on men who have excited their esteem, and engaged their confidence—men whose virtues and abilities are universally known and acknowledged; and of whose patriotism and zeal for the public good they have had convincing proofs. As the PEOPLE cannot be influenced by expectations of *private* favours from the persons elected, so, in Candidates for Offices, they will regard only those qualities that fit men for the faithful execution of a public trust *. The PEOPLE, then, having no other views but the welfare of the Society, we may be assured, that the elections made by them will always fall on men, from whose administration they have reason to expect the Society will derive benefit.—On the other hand, when the right of election is exercised by a *few* men, the case is totally reversed. Private emoluments, and the selfish interests of individuals, are here the *first* principles of action. The good of the Society is but a *secondary* object, and seldom or never attended to. These electors therefore are regulated in their choice, not by the capacity or integrity of the candidate, but by the private favours he has bestowed, or can procure.

To conclude this prefatory advertisement, let it be remarked in general, that discourses on the *civil* rights of the PEOPLE have very unfrequently been made public in *this part* of the united kingdom. The subject, though of the last moment, has been but lately agitated. On such matters, the PEOPLE have seldom been accustomed to think; and to this cause, perhaps, may be ascribed our former national indifference

indifference about Civil Liberty. In the following Letters, an *essay* is made to point out some of those *civil rights* which the PEOPLE have an inherent title to exercise, and which, by the constitution of the realm, they ought not to be denied. It is to be wished, that topics of such importance were more frequently made the subjects of public discussion. To these objects the minds of the PEOPLE ought to be familiarized ; and surely men of superior learning and abilities cannot more beneficially employ their talents, than in diffusing among their Fellow-Citizens a knowledge of the great principles of Constitutional Freedom : For, let it be remembered, that nothing is more important to Society, and more essential to the preservation of Public Liberty, than that the Body of the PEOPLE should know and understand their *Constitutional Rights*.

EDINBURGH, }
August 1. 1783. }

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LETTERS OF ZENO.

ADDRESSED TO THE

CITIZENS OF EDINBURGH.

LETTER I.

GENTLEMEN,

EDINBURGH, DEC. 10. 1782.

AS warriors, and as men of letters, our ancestors have been frequently distinguished, and deservedly praised;—but I cannot with equal truth aver, that they have been often remarked for a love of *civil* liberty, or for that firm and determined opposition to arbitrary establishments which truly characterize the patriot. Historic instances might be mentioned; but instances need not be produced to Scotsmen.—With the transactions of your own countrymen you must be acquainted; and to the truth of my position you must, without hesitation, assent. If our ancestors, then, have incurred the imputation of *indifference* for *civil* liberty, let us evidence, by our conduct, that such an imputation is not applicable to their posterity.

AT this advanced stage of society, when refinement and civilization, the effects of an enlightened period,

period, have so universally improved our manners, and expanded our conceptions, it is really astonishing that local systems of polity, the offspring of barbarous and tyrannical ages, should still be established amongst us. A reformation of systems so illiberal in their nature, and so inimical to general freedom, would be productive of the most salutary consequences to this part of the united kingdom, by emancipating the great body of the people, from that thralldom and insignificance, in which they have so long been retained.

MANY are the branches, in the political constitution of the Royal Burghs of Scotland, which demand Reformation; but to one only at present I shall call your attention.

THE election of Representatives in Parliament for the Scottish Burghs has, for a lapse of time, been conducted in a manner arbitrary and iniquitous. A small number of men, in each burgh, arrogate to themselves the privilege of election, which can of right be exercised *only* by the community at large.—The representatives, thus elected, are not the delegates of the burghesses, but of the Magistrates; for the burghesses cannot consider those as *their* representatives, in whose nomination they have no voice. Whoever, then, interests the Magistrates, secures the election; and men are sent to Parliament, not the choice of the citizens, but of the councils *.

FOR an example, let us resort to that system of election established in the city of Edinburgh, to which that of all the other burghs of Scotland is similar, at least analogous. By this system of the metropolis,

* Though the declared subject of these Letters be our defective Parliamentary Representation *only*, yet, let it be noticed, that the arguments, in general, are equally applicable to the contracted modes of electing the Members of our Councils, and the other arbitrary establishments in our Royal Burghs.

metropolis, the great body of the citizens are wholly excluded from any participation in the election of that person who is to represent them in the legislative body; and the right of suffrage is confined to the town-council *alone*, consisting of about thirty persons. I will not enter into the particulars of a procedure with which you must all be acquainted. You know, that so soon as the chief Magistrate has received the Sheriff's precept on the writ of election, he convenes the members of the Council, and by *these* men is elected your Representative in Parliament. The business of election is soon concluded. A majority of votes has previously been secured in favour of that Candidate whom the leading party in this junto have determined to elect. And the Candidate, no doubt, must be supposed already to have smoothed his way to this dignified promotion, by means, perhaps, not the most justifiable.

SUCH is the mode of election sanctified by usage* in our metropolis. And judge ye, Whether or not it is conformable to the rights of a free people? Is a Member of Parliament, so elected, the Representative of the citizens? Is he not rather the Representative of the Town-council? If the Town-council only elect, What representation in Parliament is there for the citizens? None. For a person may be

* I say *usage*; for there is no statute, that I know of, which confers on the Council the *exclusive* prerogative of electing a Representative in Parliament; unless a far fetch'd inference be drawn from the act 1469, c. 29. authorising the Old Council, in burghs, to chuse the New Council. The decret-arbitral pronounced by James VI. which is termed the *Sett* of the Burgh, confers no power respecting this matter. It mentions, indeed, in a cursory manner, "that one of the saids commissioners (in Parliament, &c.) for the burgh of Edinburgh, shall be chosen be the Provost and Bailies furth of the calling of the craftsmen," &c. This confers no *new* right; it respects only a right formerly possessed. The same may be said of the British statutes, 6. Ann. 5. and 16. Geo. II. ii.

be sent to Parliament by the Council, who would be the last to be fixed on in a popular election. The Council then *alone* are vested with the supreme right of election, and the citizens at large have not the smallest concern in it; nay, are not entitled even to remonstrate,—how much so ever the election should be contrary to their wishes,—how much so ever the person elected should be deficient in probity or ability,—or, how much so ever, in other respects, he should be inadequate to the important charge committed to his trust. Indeed, the Members of the Council are subject to no controul in matters of election; and, having no check on their conduct, they may act in any manner suitable to their inclinations. Besides, what must still more aggravate the hardship of our situation, is, that we have not even a vote in the annual election of those very Members of the Town-council who are the *absolute* electors of our parliamentary representative. Thus, the citizens of Edinburgh have not the most distant connection with the legislative body of the realm. They have not the most *indirect* representation in Parliament.

WHAT right then, may it not be asked, have we to boast of a Parliament, or, to boast of being our own legislators? Can that legislature be called *ours* in which we have no representation? Can that representation be called *ours*, in the election of which we have no voice? The *Bourgeois* of France might, with *equal* propriety, exult in the possession of such privileges; for they have an *equal* share in the legislation of *their* country.

GENTLEMEN, I shall perhaps trouble you with a few more letters on this important subject. In the mean time, I am, &c. ZENO.

L E T T E R II.

GENTLEMEN,

EDINBURGH, DEC. 24. 1782.

IF such is the election, and such are the electors of a Representative in Parliament for this city, can we, the citizens at large, be said to enjoy civil liberty? Surely not. To enjoy civil liberty, is to enjoy a power of legislation; and, to enjoy a power of legislation, we must enjoy either the power of enacting laws ourselves, or of nominating our law-givers. The citizens of Edinburgh possess neither of these privileges; and, is it not of infinite moment for us to enquire, How far it is consonant to the nature of civil liberty, and the principles of the British constitution, to extrude *them* from the exercise of such rights?

THIS enquiry would lead us into an investigation of the nature of liberty, and of the British constitution;—but we shall touch on the outlines only.

CIVIL liberty is a power possessed by a state to govern itself. In this state every individual is a legislator. The power of legislation must be exercised, either in person or by delegation. Instances of the first are to be found only in petty states, where the people are few; but where the state is extended, and the inhabitants numerous, an exercise of the legislative power, in person, *by every individual*, would be inconvenient, if not impracticable. In such states, therefore, delegation has been adopted. Still, however, it must be understood, that every individual retains a suffrage in the nomination of some particular delegate: For, were the contrary supposed, then would there be a part of the state

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without representation, which would be contradictory to the idea of liberty. It is evident, then, a free state must be governed by *itself*, or, what is equivalent, by a convention of delegates *deputed by itself*.

UPON these principles has the British constitution been superstructed. It is an essential part of that constitution, "that no person can be bound by a law to which he does not consent *." This consent must be adhibited either in person or by delegation. If by delegation, the delegate must be chosen, if not by every individual, at least by the majority of each community entitled to delegate.—Though, perhaps, this is not an enjoyment of freedom in its utmost plenitude, because *some* are excluded from a right of representation, yet it is the enjoyment of it in as ample a manner as is practicable in a great state. To admit the dregs of the populace to a share in government, would be both imprudent and impolitic. They are disqualified by a natural ignorance and hebetude, which render them unfit to be their *own* directors, and, therefore, they must be directed by *others*. In all governments, these must be subjugated to laws enacted for them by others, because, having no will of their own, they are incapable of giving consent. But men in the middle ranks of life, who generally constitute the majority of every free community, cannot be excluded from a voice in the appointment of their Representatives, because this would be to deny them the right of self-government, for which they are qualified by their knowledge

* "*Lex quæ omnes tangit* (says Ed. I. in one of his public writs) "*ab omnibus approbetur*," i. e. A law which concerns all, should be approved of by all. And this maxim has, by different ages, been uniformly asserted as fundamental to every free government. Thus, we frequently find, the ancestors of our English fellow subjects protesting, that this and the other law could not bind them, because made without their approbation or consent. *Rot. Parl.* 40 Edw. III.—*Rot. Parl.* 6. Rich. II. &c. See also *Locke on Civ. Lib.*—*Blackst. Comment.* &c.

knowledge and extent of property, which must give them a weight in every free state, and a title to a share in the legislation. To withhold from these, therefore, the exercise of this right, must be a deviation from the principles of the British constitution.

THIS, I confess, is but a very imperfect sketch, either of civil liberty, or of the British constitution. But my intention was only to establish a criterion to enable us to form, by comparison, a judgement of our present situation.

OBVIOUS it must be, from such comparison, that we enjoy neither civil liberty, nor the rights of British subjects. We cannot be said to enjoy *this liberty*, because every individual among us has not a voice in the appointment of his legislator. We cannot be said to enjoy *these rights*, because even a majority of the community, to which we belong, have no voice in the same appointment. Thus, Gentlemen, *we are Britons, without possessing the rights of Britons!* This assertion seems contradictory, but, though a paradox, it is a truth.

To appoint their own legislators, is the discriminating mark of a free people. To have them appointed by others, is the characteristic of servitude. Why should one part of a nation possess this discriminating mark, and the other be extruded from the same privilege? Why should the Burghs of Scotland be denied a right which is exercised by the Burghs of England? The people are the same; their advantages ought to be equal. That there should be any distinction, involves an absurdity in the idea.*

I am, &c.

Z E N O.

* By the Union of the two kingdoms we are now become the same nation; and if we enjoy not the same privileges, What advantage, it may be asked, do we derive from our union with the *freest* people in the world?

L E T T E R III.

GENTLEMEN,

DECEMBER 27. 1782.

IN my last, we touched on the principles of Civil Liberty, and of the British Constitution, so far as they were applicable to our purpose; and to these we contralled the situation of the Citizens of Edinburgh. If the conclusions there inferred were just, with injustice must we be chargeable to ourselves, and to our posterity, if we attempt not to obtain a melioration of our case.

CIVIL liberty, Gentlemen, is the greatest blessing a people can possess; because, without it, every other enjoyment is unsecure and unsatisfactory. All men, by nature, were free; but few, comparatively, have preserved their freedom. To what causes are we to ascribe this almost universal deprivation? It has been evidently owing either to the people's *neglect*, or perhaps to their *ignorance* of those means necessary for the preservation of freedom*. If the people retain their liberty in their own hands, it must be safe. If they surrender it to others, it then becomes unsecure and precarious. The people are the best keepers of their own liberty, and they best know what men are most fit to be intrusted with authority. If the people, then, take care never to part with the power of legislation, or of electing legislators,

* "No state can preserve its freedom, but by maintaining the free suffrage of the people in full vigour. To induce the people to be zealous in the preservation of their freedom, it ought to be represented to them in all its lovely feature; and they ought besides to be fully instructed in its nature and principles, for the *ignorance* of the people has often been the ruin of free states."—*Nedb on the excell. of a free State.*

gislators, their liberty will always be secure. To enjoy civil liberty, it has been observed, the people must enjoy a power of legislation; because, without this power, they can have no security for the *permanency* of their liberty. The power of legislation is the productive cause,—it is the source and the security of civil liberty. When the enactment of laws is lodged with the majority of the people, or, what is equivalent, with delegates chosen by the majority of the people, to promote the welfare of the people, and to preserve and secure their liberty will be the ultimate end of all the laws. But if men, not of their own choice, be imposed upon the people as legislators, What security can they have for the preservation of their liberty, which is no longer in their own hands, or that such legislators will frame laws productive to them of benefit and advantage? It would be an abuse of language to affirm, that a people could possess liberty without a participation in the legislature. Individuals, it is true, might enjoy their lives and properties; so do the subjects of a despot at times*; so would we too, though subjected to the domination of a foreign power.—But this enjoyment of liberty *by individuals*, is accidental. It may be derived from the indulgent spirit of the times. It may arise from particular circumstances.—But such liberty is untenable and precarious. The people can have no security for its permanency, because it depends not on *their* will, but on the will of *others*; and so soon as it is the interest of those others to deprive them of it, the people will no longer be suffered to enjoy it. To give stability to freedom, we must make it result from a

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* Under the most arbitrary government, the subject, though excluded from all share in the legislature, must still be protected by the laws; but this protection he enjoys merely as a matter of *favour*, and not of *right*.

well poised and well constructed form of government ; and that form of government, which allows the people to participate in the legislation, is the best calculated to produce freedom of a settled and permanent nature. It may be assumed then, as an unquestionable proposition, That the greater share the people have in any government, the greater degree of liberty the people must enjoy, and the more security must they have for the permanency of that liberty.

THE government of Great Britain, by King, Lords, and Commons, is, in its *spirit*, the most perfect system of polity that ever was established in any state, and the best calculated to produce and secure the enjoyment of civil liberty.—By this beautiful system, all the people of the realm participate in the legislation. The King and Peers personally ; and the Commoners, by their representatives, freely chosen by themselves.

SUCH is the *spirit* of the British Constitution.—But the Burgesses of Scotland partake not in its privileges ; for they have, in reality, no representation in the Constitution.

As, in most questions of politics, the reasoning applicable to a *whole*, is equally applicable to *any part* of that *whole*, we shall here make the supposition, that the *whole* British House of Commons are not chosen by the people, in order that the arguments applicable to this supposed *whole* may be applied with more force to the *part* of that *whole*, which is the subject of our present discussion.—To point out more strikingly the absurdity of a *general* House of Commons composed of representatives, not chosen by the people, we must consider the nature
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and duty of this third estate of Parliament.—The House of Commons is that branch of the legislature which is understood to represent the body of the people; to protect their liberties from injury; to frame laws for their security and advantage; to give away their money for the exigencies of the state;—and the voice of the House of Commons is, at all times, considered as the voice of the people at large.—We are then to suppose, for a moment, that this House of Commons is composed of members, who are elected, not by the people, but by fifteen or twenty men in each county and burgh, totally independent of the people.—Now, I ask, Could a House of Commons, so chosen, be considered as the Representative body of the people? Could the voice of such a House of Commons be termed the voice of the people? Assuredly not; because the members of this House of Commons are not the representatives of the people, but of those *few men* only by whom they are chosen. If the people are to be represented in the Legislative Assembly, the people *at large* must chuse their representatives.—The idea of a government by representation, implies a compleat and general representation; for no other deserves the name, or answers the end. That the people possess the right of election, is the very *essence* of such a government; and, to preclude the people from the exercise of the elective powers, would amount to a total subversion of a government by representation. A House of Commons would be formed which did not represent the people, and “a House of Commons so formed (says an ingenious writer *) would involve a contradiction, and the grossest confusion of ideas.”

If these arguments exhibit, so forcibly, the absurdity of a *general* House of Commons formed of representatives

representatives, not chosen by the people, Must not the same arguments point out, with equal force, the absurdity of *any part* of the House of Commons, composed of representatives, not so chosen? The representation for Scotland is really in that predicament; and those systems of election, established in this country, do assuredly constitute, so far as they operate, a House of Commons which does not represent the people. I am, &c.

Z E N O.

L E T T E R IV.

G E N T L E M E N,

DECEMBER 31. 1782.

I MIGHT here confirm what I have said, in my two former letters, by the testimonies of innumerable writers; but where the facts are self-evident, testimony is not required. A passage in Montesquieu, however, is so peculiarly applicable to our present subject, that I must beg permission to bring it under observation. The credit of this author is indisputable, and his authority must have weight.

“ As in a free state (says this great writer, speaking of the British Constitution) every man, who is supposed a free agent, ought to be his own governor, so the legislative power should reside in the whole body of the people. But since this is impossible in great states, and in small ones is subject to inconveniencies, it is fit the people should act by their representatives, what they cannot act by themselves.—All the inhabitants of the several districts ought to have a privilege of voting at the election of a representative, except those who are in so mean a situation as to be deemed to have no will of their own.—Though the people ought not to have any personal share in the government,

“vernment, yet ought they not to be excluded
 “from the chusing of representatives, which is
 “within their reach : For, though few can tell the
 “exact degree of mens capacities, yet there are
 “none but are capable of knowing in general, whe-
 “ther the person they chuse is better qualified than
 “most of his neighbours.”

THESE quotations afford a striking exhibition of what we want, and what we ought to obtain.

BUT, Gentlemen, it is not on hypothesis, it is not on the abstracted theories of writers, that we found our claims to vote in the appointment of a delegate. These claims arise from natural right, and this natural right must be, and has been, possessed by every free and independent people.

CAN the present representation for the city of Edinburgh be termed conformable to the rights of a free and independent people? Can it be termed a fair or compleat representation for the inhabitants of this district? A lover of truth must affirm that it is not. If this representation were chosen by the unbiaſſed voices of the majority of the citizens, then might we be claſſed in the catalogue of free communities. But when ſuch representation is choſen by a ſmall party of men,—a ſelf-elected junto, the very form of liberty is departed from us. With us the Town-council alone poſſeſs all authority. They appoint their ſucceſſors in office, and they appoint our representative in Parliament. The citizens at large are in a ſtate of political annihilation, and are ſubjugated to directors impoſed on them by others.

THIS, Gentlemen, is a moſt dangerous ſyſtem of polity. It is the worſt of ariſtocracies,—where the whole power of Adminiſtration is exerciſed by a
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few, and the great body of the people have not the smallest weight in the political scale.

IN a free state, there ought not to exist an Administration independent on the will of the people. Where the people have no share in the government, they must, in time, sink into insignificance. On the other hand, those who assume the sole right of governing, must, in a proportionate degree, rise by the acquisition of power. These must be too much exalted, those too much depressed. The influence of the one will enable them to oppress the other; the weakness of the other will render them incapable of making any resistance. Thus, the condition of the one must degenerate into servitude; the power of the other must be exalted into tyranny.

THE people, by being divested of the elective powers, and losing all influence on public measures, lose too all public spirit. They sink into a languid indifference about the nature of their polity. They become careless of the public welfare. They consider themselves as individuals who have no country, and no public interest to be the object of their care.— Every generous passion must lie torpid in their breasts; and every spark of patriotism must be extinguished. Dispirited and depressed under the weight of arbitrary systems, they lose all consciousness of their importance*: They become ignorant of

* It has ever been; by the wisest Legislators, deemed consonant to the principles of true policy, to give the body of the people such a share in the government as to impress on their minds ideas of their political weight, and to render them conscious of their significance in the state. Thus, at Sparta, at Athens, and at Rome, the people were the electors of their ministers or office-bearers; and the people, in these states, were remarkable for their patriotism and public spirit; because, they felt their individual importance, and they felt it their interest to promote the interest of the state. But the people of Sparta,

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of their natural privileges : They forget that they *ever were free*. They never once think of altering their condition ; they startle at the very idea of a change. They account it even criminal to claim the restoration of rights, which once they exercised.

SUCH must be the general disposition of a people who have long lost all share in the government ; and this is the crisis most favourable for the introduction of tyranny. Despotic power may advance with hasty strides. The people will not perceive its approach, because they attend not to its progress.— They have long lost sight of the public government, and for them it may be modelled into any shape.— They will tamely allow their every privilege to be wrested from them. They will, without murmur, submit their necks to any yoke that may be imposed. Instead of being roused by oppression, they will be but the more dispirited, and rendered the more callous and insensible.

SUCH was the condition of Rome, when she suffered infringements of her liberty. Her citizens, losing all public spirit, lost all care about their government ; and were gradually subjugated to the most monstrous of tyrannies. So much too were they degenerated, that the keenest oppression, instead of awaking them to a sense of their situation, made them but rivet more closely their chains.

If the history of Rome, and of every other state, hold out to us such examples, may not we entertain some apprehensions from our situation? We too
are

of Athens, and of Rome, in time lost all share in their governments, and with it lost all public spirit, and zeal for the welfare of their country ; in so much, that one would imagine the present inhabitants of these once famous cities, “ lived in different climates, and under different heavens, from those of their renowned ancestors.”—*Addison*.

are excluded from every, the smallest concern in public affairs : We too are depressed into insignificance ; and, Have we not reason to expect, that the same causes will produce similar effects ? The influence of the Crown is great ; because the Crown has the absolute management of the treasury. And if *our* representatives be not men of probity, Have we not every thing to apprehend from corruption ?

BUT the further consideration of this subject I shall reserve for my next Letter ; in which, and in one or two of the subsequent Letters, I shall attempt to point out the dangerous consequences of lodging the power of election in the hands of a few Electors.

I am, &c.

Z E N O.

L E T T E R V.

G E N T L E M E N,

JANUARY 5. 1783.

ON the integrity of the Parliament depends the endurance of the constitution, nay, of the state. If the supports of a fabric fail, must not the superstructure tumble ? If the Parliament should be corrupted in all its parts, must not the ruin, at least, of the constitution be inevitable ? To avert so dreadful an event, Ought not every precaution, on our part, to be adopted, and every effort employed ?—With *two* branches of the Parliament, we commoters are not so intimately connected. *One* only we properly can call our own. This is the democratical branch of our government ; and *virtue*, in a peculiar manner, is essential to a democracy.

ON

ON the electors depends the *virtue* of the elected. If for probity and capacity men are selected for representatives, then may we repose with confidence on their measures. But if candidates are allowed to purchase their elections with money, or by other unjustifiable means, then may we expect to see the House of Commons filled, not with the virtuous, but with the rich, and with the profligate; and when this event shall take place, the consequences need not be pointed out *.

THE more subject, therefore, electors are to corruption, the more is this great evil to be apprehended. Now, it is a maxim incontrovertible, that the *fewer* the electors are, with the *more facility* can they be corrupted. To bribe a small number of men is easy; to bribe some thousands is a work of labour and expence. Nothing effectually can stop the progress of corruption, but to preclude the possibility of its success. Where the number to be corrupted, is great, the expence and difficulty of attaining the end must deter. On the contrary, where the number is small, no statutory oaths can restrain unprincipled candidates from offering, or mercenary electors from accepting, these wages of iniquity.

SINCE, then, the election for our city is confined to a *few* electors. and so great is the facility of corrupting a *few*, What security can we have for the honour and integrity even of those persons who are termed our representatives? Any man of wealth or influence, however destitute of virtue, might, by corruption, secure the representation of this city,

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not

* " We may anticipate occasions, when a Prince can, by means of a *corrupt Parliament*, venture to do things which he would not have ventured to do by himself: As Tiberius, by his *prostituted Senate*, did many things, which Nero dared not to do, even by his *Guards*."—*Anonym.*

not for one term only, but for a course of years. Not that I would be thought to glance the smallest reflection on the Gentlemen who at present occupy the offices of the magistracy; my intention being to censure, not *men*, but *modes*—permeious to the community. But though we might be assured of the probity of these Gentlemen, yet a possibility of corruption still remains; and where a possibility exists, an apprehension is still to be entertained. To remove the apprehension of such an event we must preclude the possibility of its taking place. This must be effected by lodging the power of election in a numerous body of men, which alone can exclude the practicability of corruption.

AGAIN; for the representation of a free community, persons of probity and virtue ought to be *encouraged* to stand Candidates. But this encouragement cannot be afforded, where the election is confined to a *junto*.—The members of a *junto* are always subject to the influence of some leading man, or leading party, who controul their measures, and direct their choice. The power of these leaders is exorbitant. They command, and are obeyed without hesitation. They point out who shall be representative, and that representative is elected. Thus, the majority of members, even in this *junto*, are the *tools* of a party. They act not from choice, but from compulsion. They were admitted into office upon conditions, and must adhere to measures which perhaps they do not approve.—What *encouragement*, then, can the virtuous and honest have to offer themselves as candidates, when such are the electors? The *probability* of success must be held out, before a candidate will enter the lists of competition; but here, even the *possibility* of success is cut off. This is a dangerous defect in any establishment; it precludes from the services of the virtuous;

ous ; it subjects to the representation of the profligate.

YET sorry am I to say, that this defect is too apparent in our establishment. Our *ostensible* magistrates are often but the tools of a party. They are not at liberty to exercise their own judgements in the business of election. They were admitted into Council on conditions, and, whatever may be their own private sentiments of men, they must act and vote according to the directions of those by whom they were admitted. Whoever then has secured the *leaders* of the Council, has secured the election of the representative in Parliament ; and every other person, however qualified, must be prevented even from offering himself as a candidate ; because every hope of success being precluded, the attempt would but expose him to the mortification of a repulse.

BUT who, it may be enquired, is most likely to secure the *leaders* of the Council ? Alas ! the avarice and venality of mankind in general compel us to make this answer : “ It is he who promises, and “ can bestow most places and pensions on those “ who are the electors, let his other qualifications “ be what they will.” And if the person who has once secured the *leaders* of the Council be a man of influence and address, he may retain his power as long as he pleases. The Council is pliant to his will, and all the public business is managed by his direction *. I am, &c. Z E N O.

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LETTER

* This is really the situation of all the Burghs in Scotland, so far as I can learn. Every one of them has its municipal government managed by some leading man or party, who arbitrarily dispose of every thing according to their pleasure. These men or parties, in order to secure the continuation of their power, take particular care, at the annual elections, to admit none
into

L E T T E R VI.

G E N T L E M E N,

JANUARY 10. 1783.

IT is natural for the representative to be attached to his constituents. If the people at large are his constituents, then will the welfare of the community at large be the peculiar object of his care. In the preservation of its privileges, he will be vigilant, and solicitous in the procurement of new rights. He must be persuaded, that if his conduct affords not satisfaction to the people, at next election the people will testify their disapprobation, and substitute

into office but men whom they have laid under conditions, or whose facility of disposition may render them the pliant tools of party. Thus, a set of men in each Burgh, have the uncontrollable management of all public business; have the sole exercise of the Judicative and Magistrative powers; have the absolute disposal of the Burgh-revenues, and of all places of trust and of profit in the gift of the Burgh. These men, in their magistratical capacities, may abuse their power, may peculate the public revenues; and yet, however odious they may be to the body of the Burghesses, they can, by the present mode of election retain their seats in the Council in spite of every effort to remove them!—These are abuses of a most flagrant nature, and not surely undeserving the attention of the legislature.—In this case, the legislature ought to interpose of its own accord, without waiting for the applications of the people. Many circumstances may concur to prevent the people in general from petitioning, but the Parliament, which is the guardian and protector of the people's liberty, ought not to allow that liberty to be *any where* infringed; for *partial* infringement of liberty is injurious, at least to that part of the people who suffer it, and dangerous in a consequential degree to the whole community. When the oppressive feudal systems were to be abolished in England, the English Parliament, without application from the people, did what they judged necessary for the welfare of the people who were affected by these systems.—When the same systems were to be abolished in Scotland, the British Parliament adopted a similar procedure. Let these be precedents for the Parliament at this time, in the case of the Scottish Burghs.

substitute a more worthy representative in his place. These apprehensions must act as powerful incentives to stimulate a representative to perform his duty.— But reverse the case, and mark the consequences.— If the representative be chosen by a junto, to acquire the approbation of the people is no longer his object, as it is no longer his interest. The members of this junto are his constituents, and, to secure their favour, will be his only study. The people have no check on his conduct; and he, regardless of their favour, will not hesitate to act contrary to their interest. At next election, the same person is continued in office, and the people complain in vain. Thus the community must be neglected by its representative, if the people are not the constituents.

GENTLEMEN, let me apply this doctrine to your particular situation. If a self-created Council are the constituents of your representative, What security have you that such a representative will attend to your interest in Parliament? If the interests of the Council, and of the burgeses at large, should happen to clash *, Will not such a Representative prefer the interests of his Constituents to the interests of the Burgeses? Surely he must. He is bound by every tie to do so. Self-interest is a powerful stimulative. Self interest, therefore, and even gratitude towards his Constituents, must prompt him to support the Council against the Burgeses; because it was from the Council he received his election, and it is on the Council he depends for his re-election.

In such a situation, may it not be asked, How are your commercial and manufacturing interests to be attended to in the formation of laws? How is your
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interest.

* And this must frequently happen, as the interest of the Council is really, in many respects, distinct from that of the Community.

interest in general to be attended to? It will be opposed by your Parliamentary Representative, when it comes in competition with the interest of the Council, and, on all occasions, must it be neglected; What advantage then, is to be expected from a Representative so chosen? or rather, What detriment is not to be dreaded? You had much rather have no Representative at all in Parliament, as one, on whose conduct you have no check, as one, who is influenced by private interest, and even by gratitude itself, to postpone your welfare to the welfare of the junto his Constituents.

WE wish not to criminate men, but systems. Our Representatives may be honest, but they are necessitated to depress and neglect us. The present systems set at variance self-interest, nay even the feelings of a grateful heart with our welfare; and it would be absurd to affirm, that men could act in opposition to such strong impulses. While these systems, therefore, remain, an alteration of conduct in our Representatives never can be expected.

ANOTHER dangerous evil resulting from a contracted system of election is, That the Representative elected must necessarily be rendered *dependent* on the Ministry.—Where the electors are *few*, the person elected must consider himself obliged to every individual for his election, in a *ratio* proportioned to the *paucity* of their number; and every individual elector, by his vote, knows he confers a favour of consequence, and considers himself entitled to, and expects a return. It must be supposed then, that one or other of these electors will be constantly soliciting their Representative for a return of favours in one shape or another; and he, to gratify their craving appetites, and secure their good-will, must, in his turn, be obliged to make application to the Minister,

Minister, in order to procure the favours demanded. Thus, the Representative, so chosen, however honest he may be, is compelled either to disoblige his Constituents, or lose his independence; and we know which of the alternatives has been most frequently adopted.—On the other hand, where the electors are *numerous*, the value of an individual's vote diminishes in a proportion corresponding to the *greatness* of the number; and individual electors cannot consider themselves as conferring, by their votes, any great favour on, or expect any return from the person elected. A few electors, therefore, may, and will look for *personal favours*; but a numerous body cannot expect them, and will regard their member's *public conduct* only.—Thus, it is evident, that, where the electors are *few*, even an honest Member of Parliament cannot preserve his independency; but, where the electors are *numerous*, even a knave must, from a consideration to private interest, put on the semblance of honesty. I am, &c.

ZEN O.

LETTER VII.

GENTLEMEN,

JANUARY 17. 1783.

WE might prosecute this subject still further. We might go on to mention many other dangerous evils inseparable from our contracted system; but to enumerate all the consequences and imperfections of a wretched local establishment would be a task extremely disagreeable and tedious. Those we have already specified are sufficient, I trust, to convince us of the iniquity of our system, and of the necessity of a change. Many other observations of a similar nature must occur to yourselves.

selves. I wish not to anticipate your own reflections; my intention is rather to lead you to think for yourselves on this important subject, and to hold out a few hints, as ground-works for your more enlarged reflections. But there is still one particular circumstance observable in our case, which I cannot, with propriety, pass over in silence, and to the consideration of which, I must solicit your earnest attention; because it is a circumstance which yet farther evinces that we really possess not the privileges of that **GENERAL CONSTITUTION** under which we all live.

ONE of the chief ends of civil government is to afford security to the *property* of those who are subject to it. By the British constitution, no part of a man's property can be taken away without his own consent. No tax can be imposed, without his consenting to such imposition, either in person or by delegation. But we, the Citizens of Edinburgh, enjoy no such privilege. Taxes are imposed on us by a legislature, in which we have no representation, and with which we are connected by no tie of union; consequently these taxes are imposed upon us without our consent. It would be an absurdity the most palpable to affirm, that our consent could be expressed by our *nominal* representatives. These persons are not our trustees. They are not authorised by us, the citizens, to dispose of any part of our property. We have given them no commission, and their voices cannot, in justice, nor according to the principles of the constitution, bind us*. Do we then, it may be asked, pay our proportion of the public subsidies by our own consent? No; we do not. Our taxes are levied from us by compulsion; our property is wrested from us by violence. Thus, in our case, the fundamental law of property is invaded;

* Vide a Letter under the Signature of PHILOPATRIE.

vaded ; and thus, one of the chief ends of civil government is subverted, viz. *a security of property* :— For what security can we have for the possession of that property, which others have a right to take from us, piece meal, without our consent ? †

THOUGH our general constitution, therefore, by its nature, be free, we partake not in its freedom. The privileges it allows are with-held from us, and we have hitherto tamely submitted. If we thus suffer ourselves to be extruded from the exercise of our rights ; if we thus suffer encroachments on our liberties, may we not expect soon to see ourselves deprived even of that scanty portion of freedom which is now all that remains to us ? Yes ; that too will, in time, be wrested from us, and we will then experience the bitter effects of our negligence. Arbitrary power, though in its procedure slow, makes continual advances ; and, if not checked in time, will, by imperceptible gradation, become too great for us to resist it. Its progress resembles the progress of some diseases, which affect animal bodies. At an early stage, their malignity may be averted, and soundness restored ; but if their virulence be permitted to spread, and gather strength by continuance, then may we apprehend fatal consequences, and the total dissolution of the animal system will be inevitable. Let us then remedy the defects of our local establishment before it be too late ; let us, in time, reclaim the exercise of our natural rights ; lest, by fatal delays, the citizens of Edinburgh, from being subjects of a free state, be reduced to the condition of slaves.

GENTLEMEN

† The rights of taxation and representation must always go together ; and have, by every political writer, been deemed so closely connected, that they cannot be separated without a manifest violation of the laws of property, and liberty of the subject. *Locke, Montesquieu, &c.* See also *Petition of Rights*.

GENTLEMEN, your present political situation is alarming enough to justify every suspicion, and excite in you an apprehension of events that perhaps may prove fatal to your liberty. You participate not in the legislation of your country. You are compelled to obey laws to which you never assented. You are compelled to pay taxes which you never granted. Your liberty of person and of property, nay, your present religious establishment which you hold so dear, depend on the will of a legislature in which you have no share, and over which you have no controul. The period has been, when attempts were made to violate those sacred rights; the period may come when similar attempts, aided by superior power, shall again be made. You cannot be sure that a virtuous and patriotic King will always fill the throne; and should a wicked or a careless Prince concur with a profligate Ministry, in attempts on your civil and religious liberties, it is impossible, under the present establishment, that you could resist their combined power. You would be obliged to yield to superior force, and part with every privilege which now you possess. The person, who is termed your Representative, would be the first, perhaps, to oppose your interest; at least, would not support you in the maintaining of your rights. The junto, his Constituents, are the expectants of places and of pensions,—are the dependents of the Crown, or of the servants of the Crown; and, under the auspices of the Treasury, their *assent* to any measures might be easily obtained. The *assent* of these would be held out as the assent of the *Community*, and would afford a specious pretext for the conduct of an arbitrary court; for whatever might be done, on such an event, would carry the *appearance* of being done by your own consent. You, my countrymen, would have no constitutional mode of conveying

conveying your voice to Parliament ‡; and were you on this occasion to make known your general sentiments, they would not be regarded.—You would be told that the *heads* of your city had already assented, and that you must yield to the voice of your superiors.

SUCH, Gentlemen, are the dangers you have to apprehend from your present systems. These events, from the nature of things, must, at one period or another take place. They are consequences that must inevitably result from such a cause; and to prevent these consequences, you never shall be able, till you take into your own hands the exercise of the
elective

‡ It is the peculiar misfortune of the People of Scotland, both in the Burghs and in the Counties, that those contracted systems of aristocracy to which they are subjected render it impossible for the voice of the people to be conveyed, in a constitutional manner, either to the King or to the Parliament; because in fact, the people have no representation. The Representatives for Scotland are not chosen by the people, but by an handful of men whose private interests are distinct from the general interest of the people. The people therefore, have no opportunity of conveying information to these Representatives, nor have these Representatives an opportunity of knowing the voice of the people. The Representative, indeed may receive and hold forth to Parliament the opinions of their Constituents, but let it be remembered, that the voice of these Constituents is often the *reverse* of that of the people. How often, for example, have addresses from Scotland, holding out a language diametrically opposite to the general sentiment of the people, been presented to the Throne, for the encouragement and support of a Minister in the prosecution of *arbitrary measures*. The people might execrate both the measures and the Minister; but they had no constitutional mode of expressing their sentiments, and their sentiments consequently could not be known. 'Tis true the Constitution allow the people to present petitions both to King and Parliament; but what attention can we expect, on these occasions, would be paid to petitions from the people of Scotland, who have no *nomen juris* in the Constitution, who are not acknowledged by the laws as a part of the Constitution; but are degraded to a level with that *Rabble* who having no will of their own, must be directed by the will of others. (*Vide* Let. II.) This is a humiliating state indeed, and the most galling to a people of any spirit!

elective powers; for, let me remind you, Gentlemen, that the only effectual mode by which your rights and liberties can be secured, is, by the activity and vigilance of a Representative in Parliament chosen by yourselves. Such a person will watch over your interests with care, and will protect your privileges from encroachment. His voice will be the voice of the Community, and not of a junto subject to influence, and liable to corruption.

I am, &c.

Z E N O.

L E T T E R VIII.

G E N T L E M E N,

JANUARY 23. 1783.

THE possession of the elective powers is essential to the enjoyment of liberty and the independency of the people. "In England, the inferior orders of men, in consequence of the importance derived to them from this right of suffrage, which is, in that country, very extensively diffused, enjoy a freedom and independence hitherto imperfectly known to the same ranks in Scotland: And were the same cause to extend its beneficent operation, it would also acquire to the people, who live North of the Tweed, a like freedom, and a like security from insult and oppression *." We, Gentlemen, are subject

* To relieve the people of Scotland from that aristocratic bondage under which they labour, is really more the interest of our English neighbours than perhaps they imagine; and did they foresee the dangers to which our systems must certainly expose even *their* freedom, they would, of this business, make a *common cause* with us. They may be assured, that our aristocratic leaders will constantly afford their countenance and support to the

ject to the *same* government, and we are entitled to the *same* privileges with our brethren of England. The Constitution is not the *English*, but the *British* Constitution; and we, as *British subjects*, have a right to enjoy the privileges it allows. The right of chusing our Parliamentary Representative is a privilege, which, by the principles of the British Constitution, we ought to enjoy, and of the exercise of which no power could, with justice, deprive us. In whatever manner, then, our Town-council may have acquired their *exclusive* right of election,—whether by *usage* or by *statute*, it matters not. Evident it is, that no *usage* could divest us of the exercise of our constitutional and inherent rights; and no *statute* could alienate from us rights in themselves unalienable. Our right to chuse a delegate in the national Convention is, as has been already observed*, the very *essence* of our Constitution.—It is a right of nature which no positive laws could justly take from us, which no generation could give away to the prejudice

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POWER that injures and depresses the Body of the PEOPLE : And may it not be supposed, nay, has not experience already shewn, that an arbitrary Minister, wanting a colourable pretence for the execution of any scheme injurious to the rights of the people, will apply for, and he will obtain addresses from Scotland (*vide Note † to the preceding Letter*) approving of his measures, no matter what, and containing the usual offer of *lives* and *fortunes* to carry them into effect. These addresses will be held out as the addresses of the Scottish nation *at large* : And let the English people consider what advantages an artful Minister might acquire by such *apparent* countenance and encouragement offered in support of his arbitrary procedure. I have not room here to enlarge on this important subject. I leave it to the good sense of the English people to determine, How far it is consistent with true policy, or *their own security*, to allow the inhabitants of this *half* of the united kingdom to be subjected to aristocratic systems, and retained in political insignificance. Let them remember too, what one of their own countrymen has already told them, “ That if *any part* of the “ Representative Body be not chosen by the people, that *part* “ vitiates and corrupts the *whole*.” *Junius*.

* *Vide*, Let. III.

dice of a succeeding generation; and which, when lost or surrendered, may at any time be lawfully resumed. By whatever authority, therefore, we have hitherto been restrained from the exercise of our natural rights, we still possess a power of resumption. Self-government is essential to self preservation; because, if we are subjected to laws made by men, not chosen by ourselves, we are at the absolute disposal of these men; and our self preservation, no longer depending on our own will, must be unsecure and precarious. Every act, then, contrary to the principle of self preservation, is contrary to the great Law of Nature, and consequently can be obligatory, neither on those who consented to such an act, nor much less on their posterity.—“ There cannot (says
 “ a respectable authority †) be such a thing in law
 “ as a voluntary surrender of the natural rights of
 “ a people to the arbitrary will of any man, or set
 “ of men. The act would be void, as inconsistent
 “ with the great Law of Nature, *Salus populi su-*
 “ *prema lex.*”

ALL just power originates from the people, and, for their convenience and benefit, were civil governments originally instituted. Magistrates are but the trustees of the people, vested with powers for the advantage of the communities over which they preside. They, therefore, can exercise no species of power that is incompatible with the privileges of the people; and if they should be found to have usurped any such power, the people, as the *original trustees*, have a title to revoke.

I am, &c.

Z E N O.

LETTER

L E T T E R IX.

G E N T L E M E N,

JANUARY 25. 1733.

IN the preceding Letters we have exhibited the arbitrary modes of election established in this city. We have pointed out the incongruity betwixt these modes and the nature of true liberty. We have marked some of the evils inseparable from such a system: And have shewn the legality of reclaiming our lost privileges.

WE might have confirmed our positions by historical deductions. We might have traced mankind, in their advancement, from natural rudeness to refined polity, from woods and forests, to cities and palaces. By such a research we might have discovered, that liberty was the natural state of man; that power originated from the people, and that governments were instituted for their benefit. By such a research too, we might have marked the gradual progression from natural liberty to partial restriction, and from partial restriction to actual servitude. But such investigations would have led us into a field of enquiry too extensive for the compass of these Letters; and perhaps might have been deemed too great an evagation from the nature of our design.—To have traced the history of the Scottish Burghs would have been more applicable to our purpose.—But the history of the Burghs is perplexed and uncertain;—is involved in obscurity and doubt; where, for fact, we must adopt supposition, and conjecture for truth. From such an enquiry, no certain conclusions could have been established; for to reason from conjecture would be to reason from falacy.—Our plan, therefore, though more contracted, was

more certain.—We have argued from principles founded on truth, and therefore incontestible. We have exhibited liberty as it exists in the *abstract*, and as it is reduced to a *practical system* *. To this criterion we have compared the establishment of Edinburgh, and betwixt *these* we have discovered the most repugnant opposition.

If the result of our enquiries, then, has been to discover such repugnancy betwixt our condition and the privileges of the British Constitution, allow me, Gentlemen, to ask, Are you willing still to remain in this condition, so injurious to your importance as Members of this Community, and as Citizens of Great Britain? Are you willing to allow yourselves to be excluded from the exercise of your natural rights as British Subjects? Are you willing to have your Representative in Parliament appointed by others, when it is your indisputable privilege to make this appointment yourselves?—If such be your inclination, vain is the effort to rouse, and vain is the wish to reform. But God forbid, that, in this enlightened age, such indifference for freedom should be *your* characteristic.—No. It cannot be. Where we are convinced of a wrong, we must apply for a remedy. Where we are sensible of restriction, we must struggle for relief. The relief is in our power; the application only is necessary.

Too long have we remained in a listless lethargy: Too long have we submitted, with tameness, to thralldom and imposition. Let us arouse ourselves, then; for sleep in a State is always followed by servitude. It is time for us now, at this distant period, to stand forward and reclaim our original prerogative. It is time for us to emancipate ourselves from all arbitrary restrictions on the exercise of liberty.

To

* The British Constitution.

To attain these ends, Gentlemen, every exertion on your part ought to be employed ; and your privilege, as British subjects, to apply to Parliament, *at all times*, for redress of grievances, ought to encourage you now, to prosecute, by every legal and constitutional method, a reformation of your aristocratic * systems. The effort, if successful, must restore you to importance in the state ; must give you that weight and significance in society, to which you have a title, by your property and your rank in life.—Hitherto, indeed, in a political light, you have been regarded only as cyphers in the state, as men born for the domination of others ; you have been judged unworthy and incapable of exercising that right of election, which you *alone* ought to exercise. A small number of men, your fellow-citizens, in no better situation than yourselves, exercise, without controul, this most important privilege ; and you are treated as mere children, or as an ignorant heedless rabble unfit for any trust †.—Such now is our humiliating condition ! But I trust there is a spirit amongst us,

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that

* The systems established in the Scottish Burghs may more properly be termed an *oligarchy* than an *aristocracy* ; but throughout these Letters, I rather chose to make use of the latter term, as being more generally understood.

† This circumstance alone, independent of all others, would be sufficient, one might think, to rouse a people of any spirit. The idea of being precluded the exercise of their constitutional rights.—the continual mortification of beholding factions and juntos exercising those rights, are circumstances of disgrace which must forcibly impress the minds of a people not totally devoid of feeling. But, may it not be asked, What title have these factions and juntos, thus, without controul, to exercise the supreme right of election ? Are they composed of persons of higher rank, of greater ability or probity, than the other Burghesses ? No. They are not. “ The greatest part (says a judicious writer) is not the whole of the Town-councils of Scotland, are the wretched tools of a few wealthy individuals ;—“ and the weakest, nay sometimes the wickedest of the citizens, “ are clapped into the Magistracy, as characters the best suited “ for the mean purposes of despotism or corruption.” — See also Letter V. *ad finem*.

that will no longer submit to this servile situation, that will no longer tamely suffer any set of men to exercise those most valuable rights, which, by the principles of the Constitution, we ought to possess.

LET us then rouse from our langour;—let us assert, with decent firmness, our claim to the rights of British subjects.—Let not the name of faction frighten us. The interested may apply such epithets; but every person unbiassed by interest,—every lover of liberty and of mankind, must applaud us for our conduct. Had the ancestors of our English neighbours, in the times of Charles I. or James VII. been dismayed by such apprehensions, their descendants, at this day, would not enjoy those privileges and advantages which discriminate them from us.

WE have a right to enjoy the privileges of the Constitution; and, it is our own fault, if we do not. We must make known to Parliament the abuses of our establishment, and the remedy (I am confident) will not be withheld. If a petition were presented to the Legislature, setting forth the nature and arbitrary tendency of our systems, and praying for redress, it could hardly fail of success. The request is reasonable. It is consonant to justice, and the principles of the Constitution, and could not well be refused. Let us act with vigour and firmness;—let us be steady and united in our efforts, and we need not despair of success.

REMEMBER, Gentlemen, you are placed in a conspicuous rank among the Burghs of Scotland; and your conduct must have influence. The Burghs will look up to their metropolis for an example, and will regulate their proceedings according to *her* exertions. Thus, Gentlemen, your fate must involve in it the fate of others; and, perhaps, on your conduct,

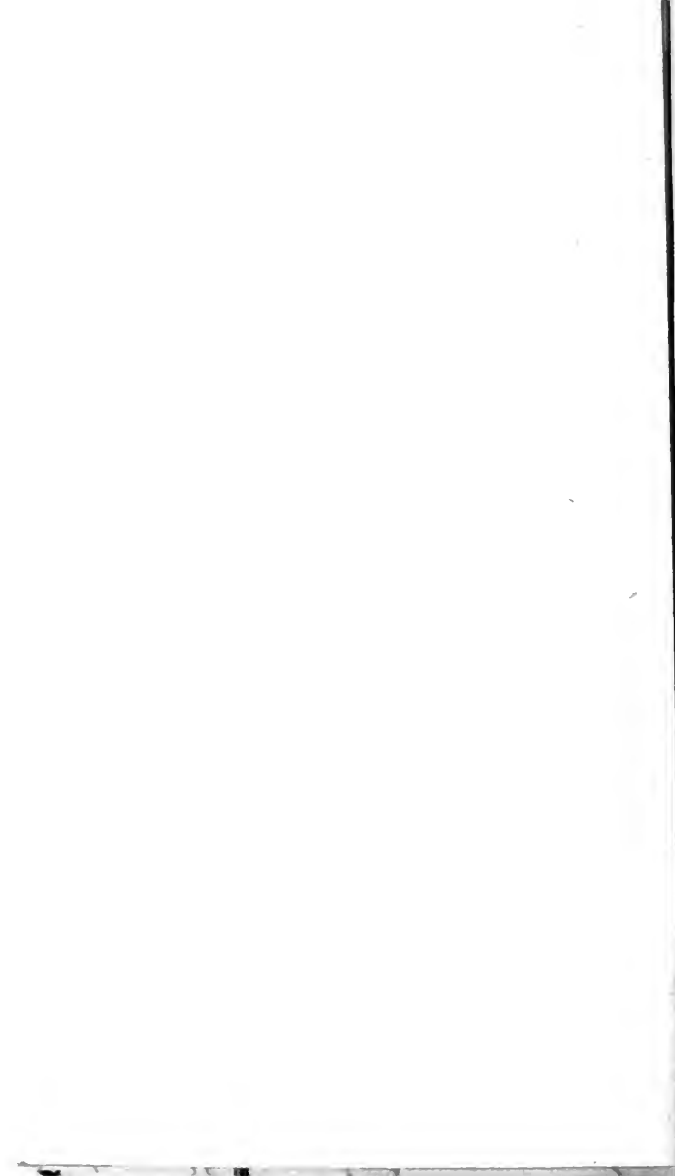
duct, at this period, depends the future freedom or servitude of the Burghs of Scotland.

GENTLEMEN, this is not the cause of faction, or of party,—it is the **COMMON CAUSE** of every one who wishes well to his country.—It is a cause which involves the prosperity of the Scottish Burghs; it is entitled to the support of every honest man, and calls for whatever wisdom or vigour is left amongst us.

I am, &c.

Z E N O.

S E R I E S.





S E R I E S S E C O N D .





LETTERS OF ZENO, &c.

LETTER I.

WE have already, pretty clearly, demonstrated that the establishment of Edinburgh, by excluding the citizens, of every description, from any share in the appointment of their representative in Parliament, is subversive of genuine liberty, and repugnant to the genius of the British Constitution.—But men, swayed by prejudice, or attached by interest to present systems, have attempted to dissuade us from reclaiming our lost privileges by exclaiming against what they term the dangers of innovation.—Let us examine their arguments.

THE only arguments, of any weight, that have been, or can be urged against an extension of the right of suffrage at elections, are the following :

Obj. 1. "THAT the Council has obtained this *exclusive* right of election, either by usage, or by statute, or by charter; and to divest them now of that right, which they have hitherto exercised by virtue of one or of all of these authorities, would be to deprive them of legal privileges."

THIS is a feeble argument, and may be easily refuted. To maintain that a *few* men may be authorised by usage, by royal grants, or by statutes, to exercise the important right of choosing members of Parliament for a *great community*, is a position repugnant

pugnant to every principle of justice and of common sense. If the members of a community are to be *represented* in any assembly, the *representative* surely must be chosen by the individual members who compose that community, otherwise *he* cannot, with any degree of propriety, be termed *their* representative, nor can the community be said to be represented by his person. To exercise the right of suffrage, at the election of our representatives, is a privilege essential to the nature of our constitution,* which neither statutes, nor usage, nor charters could deprive us of; and which no former generation could surrender to the prejudice of succeeding generations.—But as these particulars have already been pretty largely insisted on, we shall take no farther notice of them here. We cannot, however, conclude this article, without remarking, that our council have neither statutes nor charters, to plead for the assumption of this exclusive right. Their sole title is *usage*, and that usage originally was usurpation †.

Obj. 2. “THAT the communication of the right
“ of suffrage to the numerous inhabitants of a large
“ community, must be productive of riot, confusion,
“ disorder, dissipation, drunkenness, &c. at the
“ elections.”

To intimidate, by false apprehensions, to excite
ideal fears of consequences that never will exist,
have been arts frequently employed to alarm the
fears, and pervert the understandings of the weak
and unwary. Such evidently is the scope of the
objection

* *Vide* Lett. III. and VIII. of the first Series.

† It is evident, that the community formerly exercised this right of electing their representative in the national assembly, as appears from a variety of documents still to be met with: And no statute or charter can be produced, vesting the *exclusive* right in the Town Council.

objection now stated ; as we must foresee, on the slightest examination, that an extension of the right of suffrage will be productive of none of these evils which have been mentioned.

If, by the extension proposed, the whole male-inhabitants of the Burgh were to be admitted, indiscriminately, to the right of voting, then might we have just reason to apprehend, that the meetings of such a numerous body of men would be attended with tumult and confusion. But if, by the proposed change, none but actual resident burghesses, and proprietors of heritable property within the Burgh, of a certain class, are to be allowed to exercise this privilege, I can see no real cause to fear the smallest uproar or unbecoming behaviour at their meetings.

In the proposed reformation and extension, therefore, it will be a material object to institute a regular system of laws, calculated to preclude the dangerous evils inseparable from too enlarged a democratical exercise of the elective powers. To effect this, care must be taken to fix, with precision, the qualifications of the voters: which qualifications must be of such an extent, as to exclude the lower classes of the people, who alone can be supposed capable of riotous and tumultuary behaviour. If the lower classes are effectually excluded, we may rest assured, that the elections will be conducted with the utmost decorum and regularity.

To be more certain of this fact, let us judge from analogy ;—let us consider how meetings of a similar nature, in other places, are managed, and whether riot and confusion are the inseparable concomitants of these. The Members of Parliament for London are chosen by the Livery of the different companies,

—a very numerous body of men * ; yet, Do we ever hear that their meetings, for election, are marked with tumultuary or indecent procedure ? Do we ever observe riot, and dissipation, and uproar at the election meetings of the Gentlemen freeholders of the counties † ? Do the numerous members of a Trading or Banking Company conduct themselves at their meetings for election of governors, directors, &c. with noise and clamour ? No one will venture to answer these questions in the affirmative. Are we then to suppose that the respectable Burgeses and Heritors of a Burgh cannot assemble together without riot, tumult, and drunkenness, &c. Are we to suppose that their election-meetings are to be disgraced by a conduct that would reflect infamy on the lowest classes of mechanics ?—Such suppositions would be most unjust ; they would be repugnant to our experience in similar cases ‡. What then must our conceptions be of those persons who endeavour to excite such apprehensions ? Must we not regard them as men, who are either deceived themselves, or who attempt to deceive others ?

LETTER

* They exceed 8000.

† For example, in Yorkshire, or in Lincolnshire, where the number of qualified voters amounts to many thousands !

‡ It may be remarked too, “ That the Burgeses of some of the principal towns in Scotland have lately repeatedly met to consider of this very business, yet no tumult or disorders have arisen. On the contrary, the greatest regularity, quietness, and harmony have prevailed. Indeed the argument against the exercise of this right, arising from an apprehension of tumult and dissipation, considering the improved state of society, is so futile and ridiculous, that it is truly astonishing any man of sober reflection should be found hardy enough to appear in its support.” *Cris.*

L E T T E R II.

THE next objection that we have heard urged against the extension of the elections, is,—
 “ That the articles of Union will be affected by
 “ any change that is made in the present establish-
 “ ment of Burghs, and that the consequence will
 “ be an equalization of the Land Tax, and a long
 “ chain of other evils.”

THIS is a very singular argument. How the articles of Union are to be affected, I cannot perceive. In the 21st Article it is declared, “ That
 “ the rights and privileges of the Royal Burghs of
 “ Scotland, as they now are, do remain entire af-
 “ ter the Union, notwithstanding thereof.” This is all the mention of the Royal Burghs made in the articles of the Union, and we have only to examine, in what respect the privileges of the Burghs are to be hurt by the reformation proposed.

By the word *privileges*, we certainly must understand the privileges of Royalty, of Representation in Parliament, of internal polity, and free trade.—By the word *Burghs* are we not to understand the *Burgeſſes* of the Burghs? Surely. While the privileges then of the Burgeſſes remain entire, the articles of Union cannot be said to be injured. We will not, I am sure, imagine, that the framers of these articles had in their view the preservation of the usurped privilege which the magistrates of the Burghs exercise in the election of Parliamentary representatives. No: It was surely the privileges of the *Burgeſſes* which they meant to guard from encroach-

ment. To take from the Burgesſes, therefore, privileges which they poſſeſſed prior to the Union, would evidently be an infringement of the articles of the Union. But, to reſtore to the Burgeſſes privileges which have been wreſted from them, and to the exerciſe of which they have an undoubted right by the ſpirit of the conſtitution, cannot, by any reaſonable perſon, or by the moſt forced interpretation, be deemed an abrogation of any article or part of an article of the Union. Thus it is evident, that the reformation propoſed may take place, and the articles of Union remain uninjured and unaffected.*

BESIDES, though the articles of Union had expreſſly provided againſt ſuch a reformation, even, in that caſe, the articles of Union, *in general*, could not be affected. In many of theſe articles there is an expreſs reſervation to alter or abrogate ancient laws and cuſtoms, ſo far as ſuch abrogation will tend to the benefit of the ſubject; and indeed, in all of theſe articles, the nature of the thing required ſuch a reſervation. It was on this principle that the act, abolishing heritable juriſdictions, &c. in Scotland was framed; and on the ſame principle,
of

* I.e., by the Reformation propoſed, an encrease of the *number* of our Parliamentary Representatives had been intended, there might, perhaps, have been ſome reaſon to apprehend a violation of the articles of Union; but if, by this reformation, is meant only to extend the right of ſuffrage at the elections, this, inſtead of injuring the Union, muſt tend rather to complete and ſtrengthen it,—muſt render it *real and ſubſtantial*,—muſt give us an Union *in fact*, and not in articles and ſtipulations *only*, as has hitherto been the caſe. When we ſhall be equally free, and enjoy equal privileges with the Engliſh, *then* may we expect the Union betwixt the two kingdoms to be rendered *real and eſſential*; becauſe *then* a mutual and ſympathetic attachment, ariſing from a common intereſt and congeniality of ſentiment, will make us, *in reality*, ONE nation and ONE people.—Any act, therefore, of the Legiſlature, for the extension of the right of ſuffrage at elections in Scotland, might very properly be entitled, “An Act for rendering the Union of the two kingdoms “more entire and complete,” &c.

of an implied reservation, must every law beneficial to this part of the united kingdom, however contradictory to the articles of Union, be enacted.—These articles, therefore, must certainly be considered as subject to alteration by the British Parliament, so far as such alteration may be productive of advantage to the people in general, but not otherwise..

SUCH have been the principal arguments urged against an extension of the right of suffrage. Indeed they are apparently so futile, that they almost carry along with them their own confutation. But systems that have been established for a long time, however *absurd* in their nature, will always meet with adherents to afford them support. The attachment of some will arise from interest,—of others from prejudice. These men will oppose with violence any measure tending to produce a reformation. These men will, in opposition to reason and common sense, attempt the defence of ancient customs, however obvious their abolition may appear for the good of Society. Such has been the dispositions of individuals in all ages; and such they will be on every future occasion.—These observations perhaps may account for the present opposition to a reformation of our systems.

L E T T E R III.

AFTER what has been advanced in the former Series, it is almost unnecessary here to say any thing further on this subject. The necessity of a change of systems is apparent; and the advantages, which must result from such change, to the citizens,

at large, ought to excite them to employ every effort to accomplish it. Instead of being mere cyphers in the community, instead of being the humble spectators of elections, over which the members of a junto have the absolute controul, the citizens would then acquire that political importance and consideration in the State, which they ought to possess; and would be enabled to depute to Parliament, as their Representatives, men of their own choice,—men in whose abilities and integrity they had a proper confidence.

To every person of any reflection, it must be evident, that this country never can be rendered flourishing and respectable, but by the introduction of just and equal liberty. Till the people shall be relieved from insignificance, and allowed the exercise of their constitutional rights, they never can possess that enterprising spirit, that love of independence and disdain of servitude, which always distinguish a nation of freemen: “They want the armour, (as my Lord Bolingbroke terms it,) which the Constitution allows them to defend their civil rights; and consequently are naked and defenceless.”

MEN thus stripped of every political privilege, thus excluded from every participation in public affairs, and ever conscious of their nothingness in the society, must be dispirited, timid and submissive *. On the other hand, men, who are allowed a share in the government under which they live, who feel their political importance in the State, are confident, courageous, and enterprising. They naturally possess a love of independence, which inspires them with that lively unceasing industry, which never fails to enrich individuals and communities. They are excited to engage in extensive plans for the carrying on of commerce and manufactures; and feel

* Vide, Let. IV. of the preceding Series.

feel their private interest promoted, in the advancement of the common prosperity.

WE might here draw a comparison betwixt the people of this country, and our neighbours of England;—but comparisons are, at all times, disagreeable. Every man, from his own experience and observation, must be convinced, that industry and freedom are so intimately connected together, that the former cannot exist without the other. A thorough reformation, therefore, of our burgh-systems, by introducing general liberty among the people, must be productive of the most important advantages, primarily to the burghs, and consequently to the whole country. To accomplish such reformation, it is really the general interest of every individual in this part of the united kingdom. For, by the introduction of equal liberty among the people, a spirit of industry and activity would be excited, commerce and manufactures would flourish;—the landholder's rent would, consequently, be encreased; the public revenue augmented; the poor employed; and the people, in general, rendered respectable, rich and happy*.

ANOTHER most salutary effect that would certainly result from a more general diffusion of the right of suffrage is, That the people, by acquiring a participation in the Legislature of their country, instead of being languid, careless and indifferent about the public welfare, and the administration of the

* "Those laws and customs of England (whereby the middle, and even lower classes of men, enjoy so many political privileges) have perhaps contributed more to the present grandeur of that nation, than all her boasted regulations of commerce taken together."—*Inquiry into the nature and causes of the wealth of nations.*

the public government † (as is too much our case at present) would then consider themselves as men, who had an interest in the state, and consequently an advantage in its prosperity. From participating in the government, they would naturally be led to enquire into its principles: For the acquisition of such knowledge, however unnecessary *now*, would *then* be deemed of essential service. This would bring the people to acquire a competent knowledge of the CONSTITUTION, and of those rights and privileges, which, as British subjects, are their birth-right. A knowledge of the constitution would render them zealous for its preservation; would inspire them with a love of liberty, and abhorrence of servitude; and would ever afford them timely premonition of the approaches of arbitrary power, by enabling them to judge when, and in what manner, public liberty was encroached on, or private right infringed ‡. This knowledge of the people, is the best guard and security of constitutional liberty, and ever will prove an insuperable barrier to the introduction of servitude.

THESE are particulars of a most serious nature, and surely deserving the most attentive public consideration. In a business of such general importance, the public are deeply interested; and to bring about a reformation, evidently productive of great national benefit, every man ought to contribute his utmost aid. For let it be remembered, that however the ambition or the avarice of *individuals* may be gratified by supporting arbitrary establishments, and by defending oppressive systems of government, the *general* felicity and prosperity can only be advanced by communicating to the people every privilege necessary to preserve the compleat and permanent enjoyment of CONSTITUTIONAL FREEDOM.

† Vide Letter IV. p. 22. 23.

‡ Vide Letter III. and IV.

LET us then, my countrymen, unite with firmness and cordiality in a business of such general concern.—Let us petition the Legislature for a reform of our arbitrary systems, and a more general diffusion of the right of suffrage at the election of our Representatives in Parliament —The right of chusing Representatives in the Legislative Body is our indoubtable privilege as British subjects;—it is the discriminating mark of a FREE PEOPLE;—it is the source and security of national and personal liberty; and by obtaining the exercise of this invaluable right, we shall perform an essential service to ourselves, to our country, and to our posterity.

A P P E N D I X.

IT will not, I presume, be deemed improper to annex, by way of Appendix, a short numerical statement of the present Parliamentary Representation for the Burghs of Scotland.

THERE are in Scotland 66 Cities or Burghs, which are entitled to Representation in Parliament. Before the Union, Edinburgh returned to the Scottish Parliament *two* Representatives; and *one* Representative was sent by each of the other Burghs. Thus the estate of Burghesses, or *third* estate of the Scottish Parliament, * consisted of *sixty-seven* members in all. By the act of Union, however, the Burghs of Scotland are entitled to send only *fifteen* Representatives to the Parliament of Great Britain. Of these the City of Edinburgh elects *one*; and the other Burghs are divided into *fourteen* several classes or districts, *one* Representative only being chosen by each district for the *whole* Burghs of which the district is composed. †

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* The Parliament of Scotland was composed of *Three Estates*, The Clergy — The Barons,—and the Burghesses.

† These Classes or Districts are each composed of *four* or *five* Burghs.

A P P E N D I X.

THE election of these *fifteen* Representatives is conducted in this manner :—The Representative for Edinburgh is chosen by the Town-Council of that City, consisting of 33 members. The Representatives for the several districts, into which the other Burghs are divided, are *each* chosen by *four* or *five* Commissioners or Delegates, one from each Burgh of the district. These Delegates are elected by the Town-Councils of the several Burghs in the district ; but after their election, they are not subject to the direction or controul of the Councils, being at full liberty to give their votes in favour of any person they please, and are not accountable to the Councils for their conduct. Consequently these *Delegates* must be considered, to all intents and purposes, as the absolute and uncontrollable *Electors* of the Representatives for the several districts of Burghs. And the Councils of the Burghs in these districts, having only the power of appointing Delegates, can be said to have, at best, but an *indirect* Representation in Parliament.

THESE particulars being premised, we shall now give a numerical statement of the Representation for the Burghs of Scotland.

BURGHs.	REPRES.	ELECTORS.
Edinburgh, sends to Parliament	1	33
Tain, Dingwall, &c.	1	5
Inverness, Nairn, &c.	1	4
Elgin, Banff, &c.	1	5
Aberdeen, Montrose, &c.	1	5
Perth, Dundee, &c.	1	5
Anstruther, Pittenweem, &c.	1	5
Dysart, Kirkcaldy, &c.	1	4
Stirling, Inverkeithing, &c.	1	5
Glasgow, Dunbarton, &c.	1	4
Haddington, Jedburgh, &c.	1	5
Linlithgow, Selkirk, &c.	1	4
Dumfries, Kirkcudbright, &c.	1	5
Wigton, Whithorn, &c.	1	4
Ayr, Irvine, &c.	1	5
	<hr/>	<hr/>
	15	98
		THUS

A P P E N D I X.

THUS the *fifteen* Representatives for the Burghs of Scotland are chosen by *ninety-eight* electors.—The Burghs of Scotland, at a moderate computation, are supposed to contain about 300,000 inhabitants; and of these only 98 are permitted to have a voice in the election of their Representatives in the Legislative Assembly of the realm!

THESE are facts which require no commentary: And, in this short statement, we have a true picture of the narrow, illiberal, and arbitrary systems of election prevalent in the Burghs of Scotland.

To correct, then, systems apparently so repugnant to constitutional liberty, and the welfare of the people, some plan, simple in its nature, and general in its effect, ought to be devised:—a plan, which may give to the inhabitants of the Burghs of Scotland, a real constitutional representation in the Parliament of Great Britain.—To form a plan of such a nature, will be no difficult task.—We have only to communicate to the people the exercise of that inherent constitutional privilege,—*the right of suffrage at the election of their Parliamentary Representatives*. But the question will be, To what classes of people in the Burghs this right of suffrage should be extended? The answer is obvious. Let this right be communicated to those men only, who, by their property and rank in life, may be presumed to have *a will of their own*, and not to be subject to the *influence of others**. To regulate, therefore, by whom suffrages shall be given, it would be necessary to establish certain qualifications.

* “ If it were probable that every man would give his vote freely, and without influence of any kind, then upon the true theory and genuine principles of liberty, every member of the Community, however poor, should have a vote in electing those Delegates, to whose charge is committed the disposal of his property, his liberty, and his life. But since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular states have been obliged to establish *certain qualifications*, whereby some, who are suspected to have no will of their own, are excluded from voting, in order to set other individuals, whose will may be supposed *independent*, more thoroughly on a level with each other.” *Blackj. Comment. Vol. I.*

A P P E N D I X.

tions. These qualifications might be, " That the persons who shall be entitled to vote be, EITHER actual resident Burghesses, who possess, or rent, heritable property within Burgh to a certain yearly value, and who are subject to, and pay all public burdens ; OR heritors, *i. e.* proprietors of heritable property within Burgh, whose property shall be rated in the cess-books of the Burgh to a certain extent, and who shall be liable in, and pay cess, and all public burdens, in conformity thereto."—Men of such a description, as they contribute largely towards the support of government, have an unquestionable title to a voice in the nomination of those Representatives who are to be entrusted with the power of making laws, and granting subsidies : And a plan, admitting such men to a right of suffrage, as it would be strictly consonant to the principles of the Constitution, so it would be, by its nature, so simple and intelligible, that any man of the most moderate intellects might fully comprehend it.

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